

UNITED STATES BANKRUPTCY COURT
District of New Jersey

IN RE: Ralph A Cruz, Jr.

Case No.: 17-11282

Judge: Jerrold N. Poslusny, Jr.

Debtor(s)

CHAPTER 13 PLAN AND MOTIONS - AMENDED

☐ Original☒ Modified/Notice Required

Date: _____

☒ Motions Included☐ Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER
 CHAPTER 13 OF THE BANKRUPTCY CODE.

YOUR RIGHTS WILL BE AFFECTED.

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the Notice. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the Notice. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

☐ DOES ☒ DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

☒ DOES ☐ DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

☒ DOES ☐ DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney SDHInitial Debtor: RAC

Initial Co-Debtor _____

Part 1: Payment and Length of Plan

a. The debtor shall pay \$950.00 Monthly for 2 months, then \$1,305.00 Monthly for 6 months, then \$1,340.00 Monthly for 52 months to the Chapter 13 Trustee, starting on 02-01-17 for approximately 60 months.

- b. The debtor shall make plan payments to the Trustee from the following sources:
- ☒ Future Earnings
 - ☐ Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

- ☐ Sale of real property
Description:
Proposed date for completion: _____
- ☐ Refinance of real property:
Description:
Proposed date for completion: _____
- ☐ Loan modification with respect to mortgage encumbering property:
Description:
Proposed date for completion: _____

- d. ☐ The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.
- e. ☐ Other information that may be important relating to the payment and length of plan:

Part 2: Adequate Protection

☒ NONE

- a. Adequate protection payments will be made in the amount of \$ ____ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to ____ (creditor).
- b. Adequate protection payments will be made in the amount of \$ ____ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: ____ (creditor).

Part 3: Priority Claims (Including Administrative Expenses)

- a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
Isabel C. Balboa	Administrative	7,941.00
S. Daniel Hutchison, Esq. SH-6931New Jersey	Attorney Fees	3,500.00
Internal Revenue Service	Taxes and certain other debts	14,398.35
S. Daniel Hutchison, Esq.	Taxes and certain other debts	2,730.48

- b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:
Check one:
- ☒ None
 - ☐ The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
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Part 4: Secured Claims

a. Curing Default and Maintaining Payments on Principal Residence: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears: ☒ NONE

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
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c. Secured claims excluded from 11 U.S.C. 506: ☒ NONE

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation
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d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments ☐ NONE

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

NOTE: A modification under this section ALSO REQUIRES the appropriate motion to be filed under Section 7 of the Plan.

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to Be Paid
Ally Financial-Bankruptcy Dept	2016 Chevrolet Corvette 1,100 miles	43,110.00	43,109.99	None	43,109.99	5.25	49,109.08

Well Fargo Bank	103 Salina Road Sewell, NJ	1.00	240,000.00	First Mortgage Shellpoint Mortgage Servicing - 294,167.49 Judgment Lien Capital One Bank USA - 1.00 Judgment Lien New Century Financial Services, Inc. - 1.00 Judgment Lien CitiBank South Dakota N A - 1.00 Judgment Lien Discover Bank - 1.00	No value	N/A	0.00
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2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

e. Surrender ☒ NONE

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
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f. Secured Claims Unaffected by the Plan ☐ NONE

The following secured claims are unaffected by the Plan:

Creditor
Shellpoint Mortgage Servicing

g. Secured Claims to be Paid in Full Through the Plan ☒ NONE

Creditor	Collateral	Total Amount to be Paid through the Plan
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Part 5: Unsecured Claims ☒ NONE

a. **Not separately classified** allowed non-priority unsecured claims shall be paid:

☐ Not less than \$ ___ to be distributed *pro rata*

☒ Not less than 100 percent

☐ *Pro Rata* distribution from any remaining funds

b. **Separately Classified Unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid
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Part 6: Executory Contracts and Unexpired Leases ☒ **NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment
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Part 7: Motions ☐ **NONE**

NOTE: All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

a. **Motion to Avoid Liens under 11 U.S.C. Section 522(f).** ☐ **NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
Capital One Bank USA	103 Salina Road Sewell, NJ	Judgment Lien	1.00	240,000.00	0.00	294,171.49	1.00
CitiBank South Dakota N A	103 Salina Road Sewell, NJ	Judgment Lien	1.00	240,000.00	0.00	294,171.49	1.00
Discover Bank	103 Salina Road Sewell, NJ	Judgment Lien	1.00	240,000.00	0.00	294,171.49	1.00
New Century Financial Services, Inc.	103 Salina Road Sewell, NJ	Judgment Lien	1.00	240,000.00	0.00	294,171.49	1.00

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided
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b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified
Well Fargo Bank	103 Salina Road Sewell, NJ	1.00	240,000.00	First Mortgage Shellpoint Mortgage Servicing - 294,167.49 Judgment Lien Capital One Bank USA - 1.00 Judgment Lien New Century Financial Services, Inc. - 1.00 Judgment Lien CitiBank South Dakota N A - 1.00 Judgment Lien Discover Bank - 1.00	-54,171.49	1.00

c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured. ☐ NONE

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Ally Financial-Bankruptcy Dept	2016 Chevrolet Corvette 1,100 miles	43,110.00	43,109.99	43,109.99	0.01

Part 8: Other Plan Provisions

a. Vesting of Property of the Estate

- ☒ Upon Confirmation
☐ Upon Discharge

b. Payment Notices

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

c. Order of Distribution

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee Commissions
- 2) Other Administrative Claims
- 3) Secured Claims
- 4) Lease Arrearages
- 5) Priority Claims
- 6) General Unsecured Claims

d. Post-Petition Claims

The Standing Trustee ☐ is, ☒ is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

Part 9: Modification ☐ NONE

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: January 23, 2017.

Explain below **why** the plan is being modified:

The debtor is modifying his Chapter 13 Plan in accordance with the Order Approving Loan Modification Agreement.

Explain below **how** the plan is being modified:

Are Schedules I and J being filed simultaneously with this Modified Plan? ☒ Yes ☐ No

Part 10 : Non-Standard Provision(s): Signatures Required

Non-Standard Provisions Requiring Separate Signatures

☒ NONE

☐ Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date October 5, 2017

/s/ S. Daniel Hutchison, Esq.

S. Daniel Hutchison, Esq. SH-6931 New Jersey

Attorney for the Debtor

Date: October 5, 2017

/s/ Ralph A Cruz, Jr.

Ralph A Cruz, Jr.

Debtor

Date: _____

Joint Debtor

Signatures

The Debtor(s) and the attorney for the Debtor(s) if any, must sign this Plan.

Date October 5, 2017

/s/ S. Daniel Hutchison, Esq.

S. Daniel Hutchison, Esq. SH-6931 New Jersey

Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: October 5, 2017

/s/ Ralph A Cruz, Jr.

Ralph A Cruz, Jr.

Debtor

Date: _____

Joint Debtor

Certificate of Notice Page 9 of 10
 United States Bankruptcy Court
 District of New Jersey

In re:
 Ralph A. Cruz, Jr.
 Debtor

Case No. 17-11282-JNP
 Chapter 13

CERTIFICATE OF NOTICE

District/off: 0312-1

User: admin
 Form ID: pdf901

Page 1 of 2
 Total Noticed: 38

Date Rcvd: Oct 06, 2017

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on Oct 08, 2017.

db +Ralph A. Cruz, Jr., 103 Salina Road, Sewell, NJ 08080-1684
 lm +Shellpoint Mortgage Servicing, 55 Beattie Pl. Suite 110, Greenville, SC 29601-5115
 516603909 Capital One Bank, PO Box 30281, Salt Lake City, UT 84130-0281
 516603910 +Capital One Bank USA, Attn: CEO Richard D Fairbank, 1680 Capital One Drive,
 Mc Lean, VA 22102-3407
 516603911 +CitiBank, Attn: Barbara Desoer, CEO, 399 Park Ave., New York, NY 10022-4699
 516603913 +CitiBank South Dakota N A, Attn: Rick Nath President, 701 East 60th Street North,
 Sioux Falls, SD 57104-0493
 516603912 Citibank South Dakota, PO Box 6191, Sioux Falls, SD 57117-6191
 516603915 +Discover Bank, Attn: David Nelms CEO, 502 E. Market Street, Greenwood, DE 19950-9700
 516603916 +Discover Bank, Attn: Roger C Hochschild, President, 502 E. Market Street,
 Greenwood, DE 19950-9700
 516603919 +Falconi & Associates LLC, Re: DC-005691-10, 165 Passaic Ave. #301b,
 Fairfield, NJ 07004-3592
 516603920 +Financial Recoveries, 200 East Park Drive, Suite 100, Mount Laurel, NJ 08054-1297
 516603922 +Kennedy Health System, ATTN Patient Billing / Bankruptcy Dept, 500 Marlboro Avenue,
 Cherry Hill, NJ 08002-2020
 516845207 MTGLQ Investors, L.P, c/o Shellpoint Mortgage Servicing, PO Box 10826,
 Greenville, SC 29603-0826
 516603924 +Penn Credit Corp, RE Penn Credit ID #, 916 S 14th Street, Harrisburg, PA 17104-3425
 516603925 +Pressler and Pressler LLP, Re: DC 004434-11, 7 Entin Road, Parsippany, NJ 07054-5020
 516603926 +Pressler and Pressler LLP, Re: VJ 004953-11, 7 Entin Road, Parsippany, NJ 07054-5020
 516603927 +Rowan Som Pediatrics, 405 Hurffville Crosskeys Road, Sewell, NJ 08080-9344
 516603929 +Shellpoint Mortgage Servicing, 55 Beattie Place, Greenville, SC 29601-2165
 516603928 Shellpoint Mortgage Servicing, PO Box 10826, Greenville, SC 29603-0826
 516603930 +T MOBILE, C O AMERICAN INFOSOURCE LP, 4515 N SANTA FE AVE, OKLAHOMA CITY OK 73118-7901
 (address filed with court: T-Mobile Bankruptcy Dept, PO Box 37380, Albuquerque, NM 87176)
 516603932 +Well Fargo Bank, James M. Strother, SEVP General Counsel, 420 Montgomery Street,
 San Francisco, CA 94104-1298
 516603931 +Well Fargo Bank, Timothy J. Sloan, CEO, 420 Montgomery Street,
 San Francisco, CA 94104-1298
 516603933 +Wells Fargo Bank, Frank R. Codel SEVP, 420 Montgomery Street,
 San Francisco, CA 94104-1298

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.
 smg E-mail/Text: usanj.njbankr@usdoj.gov Oct 06 2017 22:55:39 U.S. Attorney, 970 Broad St.,
 Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpreign03.ne.ecf@usdoj.gov Oct 06 2017 22:55:34 United States Trustee,
 Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,
 Newark, NJ 07102-5235
 516625948 E-mail/Text: ally@ebn.phinsolutions.com Oct 06 2017 22:54:54 Ally Capital, PO Box 130424,
 Roseville MN 55113-0004
 516603908 E-mail/Text: ally@ebn.phinsolutions.com Oct 06 2017 22:54:54
 Ally Financial- Bankruptcy Dept, PO Box 380901, Minneapolis, MN 55438-0901
 516603914 E-mail/PDF: creditonebknofications@resurgent.com Oct 06 2017 23:00:04 Credit One Bank,
 Attn: Bankruptcy Department, PO Box 98873, Las Vegas, NV 89193-8873
 516603917 +E-mail/Text: bankruptcy.bnc@ditech.com Oct 06 2017 22:55:20 DiTech Financial LLC,
 PO Box 6172, Rapid City, SD 57709-6172
 516603918 +E-mail/Text: bknotice@ercollections.com Oct 06 2017 22:55:41 Enhanced Recovery Company,
 8014 Bayberry Road, Jacksonville, FL 32256-7412
 516603921 E-mail/Text: cio.bncmail@irs.gov Oct 06 2017 22:55:13 Internal Revenue Service,
 Centralized Insolvency Service, PO Box 7346, Philadelphia, PA 19101-7346
 516735970 E-mail/PDF: resurgentbknofications@resurgent.com Oct 06 2017 23:00:55 LVNV Funding LLC,
 c/o Resurgent Capital Services, PO Box 10587, Greenville, SC 29603-0587
 516603923 +E-mail/PDF: bankruptcy@ncfsi.com Oct 06 2017 23:00:45 New Century Financial Services, Inc.,
 Eric Sombers, President, 110 South Jefferson Road, Whippany, NJ 07981-1038
 517092769 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 06 2017 23:23:06
 Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541
 517092770 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 06 2017 23:06:28
 Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541,
 Portfolio Recovery Associates, LLC, POB 41067, Norfolk, VA 23541
 516845287 E-mail/PDF: PRA_BK2_CASE_UPDATE@portfoliorecovery.com Oct 06 2017 23:06:28
 Portfolio Recovery Associates, LLC, c/o Capital One Bank, N.a., POB 41067,
 Norfolk VA 23541
 516653157 +E-mail/PDF: gecsed@recoverycorp.com Oct 06 2017 22:54:07 Synchrony Bank,
 c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021
 516603935 +E-mail/Text: BKRMailOps@weltman.com Oct 06 2017 22:55:42 Weltman, Weinberg & Reis Co., LPA,
 Re: DC-005452-09, 325 Chestnut Street, Suite 501, Philadelphia, PA 19106-2605
 TOTAL: 15

TOTAL: 5